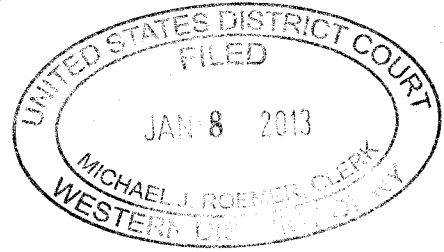


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



JAMES GLOR,

Plaintiff,

-against-

GC SERVICES, LP,

Defendant.

COMPLAINT

13 CV 18

-C

NOW COMES Plaintiff, James Glor ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Complaint against Defendant, GC Services, LP ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

Parties

2. Plaintiff is a natural person residing in Williamsville, Erie County, New York.

3. Plaintiff is allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a business entity having its principal place of business located in Houston, Texas.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Because Defendant has an office and conducts business in the state of New York, personal jurisdiction is established.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant is attempting to collect a debt from Plaintiff on behalf of creditor, Citibank, N.A., with an account number ending in 5885 (Defendant’s File No. 2618647).

11. Plaintiff’s debt arises from transactions for personal, family, and household purposes.

12. In or around August of 2012, Defendant began placing calls to Plaintiff’s cell phone (716-984-50xx) in an attempt to collect an alleged debt.

13. When Plaintiff was unable to answer Defendant’s call, Defendant left a voicemail message for Plaintiff. *See* transcribed message as Exhibit A hereto.

14. Defendant’s message for Plaintiff asked him to return its calls to 800-691-3308, a number belonging to Defendant. *See* Exhibit A.

15. Defendant’s voicemail message for Plaintiff does not disclose it is a debt collector. *See* Exhibit A.

16. In fact, Defendant's message failed to provide Plaintiff with any information that it was a debt collector or that its call was regarding a debt. *See* Exhibit A.

17. Instead, Defendant only informs Plaintiff that it is calling about a "personal business matter." *See* Exhibit A.

18. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

CLAIM FOR RELIEF

19. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- b. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

20. Plaintiff is entitled to his attorneys' fees and costs incurred in this action.

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: December 15, 2012

KROHN & MOSS, LTD.

By: 

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EXHIBIT A

This message is for James Glor. This is Stanley, calling from GC Services, in regards to a personal business matter. Give a return call today regarding this issue at 800-691-3308, extension 193. The number again is 800-691-3308, extension 193. Thank you.